REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-27 are pending, and were rejected under section 103 as allegedly being unpatentable over a previously-published Canon Kabushiki Kaisha ("Canon") patent application. The specific rejections were as follows:

Claims	Section 103(a) Rejection
1, 2, 4-6, and 13-26	Takagi et al., U.S. Application No. 2003/0107816 ("Takagi"), in view of Takeyama, U.S. Application No. 2002/0039232
3 and 7-12	Takagi, in view of Takeyama as applied to claim 1, in further view of Yamazaki, U.S. Patent No. 6,687,057
27	Takagi, in view of Takeyama, as applied to claim 1, in further view of Sekita, U.S. Patent No. 5,917,662

Each of these rejections relies upon Takagi.

Takagi was published on June 12, 2003, which is after the perfected January 31, 2003 foreign priority date of the present application. (*See* 11/16/05 Office Action p. 2, acknowledging a claim for foreign priority under 35 U.S.C. § 119). Accordingly, at best, Takagi could qualify as prior art to the present application pursuant to Section 102(e).

Section 103(c)(1) of the Patent Statute forbids the use of a Section 102(e) reference in an obviousness rejection against a commonly owned patent application:

> "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to

an obligation of assignment to the same person."
(35 U.S.C. §103(c)(1)).

Here, the present application and Takagi et al. were, at the time the invention of the present application was made, owned by Canon. Canon's ownership of each of these two applications may be seen in the assignment records of the U.S. Patent & Trademark Office:

Application	Reel	Frame	Date of Recordation
Present Application	015737	0629	01/28/2004
Takagi et al.	013493	0609	11/12/2002

Therefore, Applicant respectfully traverses these rejections because, under 35 U.S.C. § 103(c), Tagaki is disqualified as prior art for purposes of § 103(a). *See* M.P.E.P. § 706.02(l)(1)

Accordingly, Applicants believe independent claim 1 and its dependent claims 2-27 are respectfully asserted to be in condition for allowance.

Applicants have chosen not to swear behind Takagi, cited by the office action, or to otherwise submit evidence to traverse the rejection at this time. Applicants, however, reserve the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5261.

Respectfully submitted,
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Dated: January 16, 2007 By: _____
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